

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

STACEY-LYNN BRATTON,)	
)	CIVIL ACTION NO. 3:23-cv-88
Plaintiff,)	
)	JUDGE KIM R. GIBSON
v.)	
)	
FREDERIC JOSEPH AMMERMAN, <i>et</i>)	
<i>al.</i> ,)	
)	
Defendants.)	

MEMORANDUM ORDER

This matter is before Magistrate Judge Keith A. Pesto for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. Section 636, and Local Civil Rule 72.

On May 10, 2023, the Court received Stacey-Lynn Bratton's ("Ms. Bratton") Complaint, in which she indicated that she was also seeking a "Petition for Writ of Mandamus Quo Warranto[,] Emergen[cy] Request TRO, [and a] Preliminary Injunction Pending Trial[.]" (ECF No. 1). On that same date, the Clerk docketed a notice that Ms. Bratton had filed a "Motion for Temporary Restraining Order, Motion for Preliminary Injunction[.]" (ECF No. 2).

On May 19, 2023, the Magistrate Judge submitted a Report and Recommendation, in which he recommended that the Court dismiss Ms. Bratton's Complaint without prejudice because Ms. Bratton has not paid the filing fee or moved to proceed in forma pauperis. (ECF No. 4 at 1–2). Further, the Magistrate Judge wrote that it is "superfluous to discuss the inadequacy of any claim for relief under Rule 65 when [Ms. Bratton] has not submitted an adequate complaint under Rule 8." (*Id.* at 2). Finally, the Magistrate Judge noted that the parties could file objections

to the Report and Recommendation, and that in the “absence of timely and specific objections, any appeal would be severely hampered or entirely defaulted.” (*Id.* at 2–3).

Ms. Bratton has not submitted Objections to the Report and Recommendation, and the timeframe for doing so has passed.

Therefore, upon review of the Record and the Report and Recommendation under the applicable “reasoned consideration” standard, *see EEOC v. City of Long Branch*, 866 F.3d 93, 99–100 (3d Cir. 2017) (stating the standard of review when no timely and specific objections are filed), and pursuant to Local Civil Rule 72.D.2, the Court will accept in whole the recommendations of the Magistrate Judge in this matter. Indeed, the Court agrees with the Magistrate Judge that Ms. Bratton has not shown a likelihood of success on the merits of her claims at this time. Therefore, the Court finds that her “Motion for Temporary Restraining Order, Motion for Preliminary Injunction” is unavailing. *Miller v. Mitchell*, 598 F.3d 139, 147 (3d Cir. 2010) (“A party seeking a preliminary injunction must satisfy the traditional four-factor test: (1) a likelihood of success on the merits; (2) he or she will suffer irreparable harm if the injunction is denied; (3) granting relief will not result in even greater harm to the nonmoving party; and (4) the public interest favors such relief.”); *see also Reilly v. City of Harrisburg*, 858 F.3d 173, 179 (3d Cir. 2017) (“[W]e follow our precedent that a movant for preliminary equitable relief must meet the threshold for the first two ‘most critical’ factors: it must demonstrate that it can win on the merits … and that it is more likely than not to suffer irreparable harm in the absence of preliminary relief.”).

Accordingly, the following order is entered:

AND NOW, this 7th day of June, 2023, **IT IS HEREBY ORDERED** that Ms. Bratton’s Complaint (ECF No. 1) is **DISMISSED WITHOUT PREJUDICE** for the reasons stated in the

Report and Recommendation at ECF No. 4 and those set forth above. The Clerk shall administratively close this case until Ms. Bratton has paid the filing fee or until she files a valid motion to proceed in forma pauperis.

IT IS FURTHER ORDERED that Ms. Bratton's "Motion for Temporary Restraining Order, Motion for Preliminary Injunction" at ECF No. 2 is **DENIED WITHOUT PREJUDICE** for the reasons stated in the Report and Recommendation at ECF No. 4 and those set forth above.

IT IS FURTHER ORDERED that the Report and Recommendation at ECF No. 4 is adopted for its reasoning and conclusions.

BY THE COURT:



KIM R. GIBSON
UNITED STATES DISTRICT JUDGE

Notice by U.S. Mail to:

Stacey-Lynn Bratton
Rural Route R001-77
Osceola Mills, PA 00000